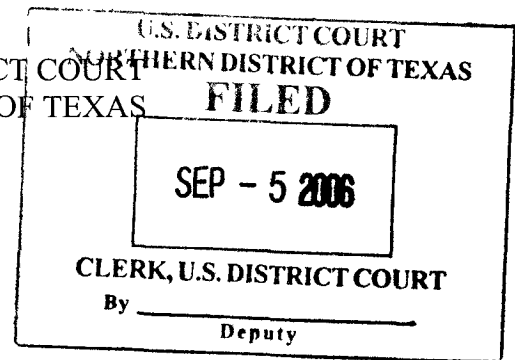


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



FREDDIE JOE RAY,  
a/k/a Joe Freddie Ray,

Petitioner,

v.

DOUGLAS DRETKE, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division

Respondent.

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2:05-CV-0308

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
DENYING RESPONDENT DRETKE'S MOTION TO DISMISS,  
and ORDERING RESPONDENT TO ANSWER PETITION**

Came for consideration the Motion to Dismiss filed by respondent DOUGLAS DRETKE on March 1, 2006. On August 7, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's motion to dismiss be denied. As of this date, respondent has not filed any objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the motion to dismiss filed by respondent is hereby DENIED.

Respondent is directed to answer this petition **within forty (40) days after entry of this Order**, see Fed. R. Civ. P. 81(a)(2), answering in substance as required by Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. A true copy of such answer,

together with a copy of any brief filed therewith, shall be served on petitioner by mailing such instruments to him at his address of record, and a certificate shall be filed with the United States District Clerk evidencing such service.

IT IS SO ORDERED.

ENTERED this 5<sup>th</sup> day of September 2006.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE